

Protocol Related to Reviews of Child Deaths, Serious Injuries, and Egregious Incidents

Purpose:

The Department of Health and Family Services (DHFS), via the Division of Children and Family Services (DCFS), as the supervising entity for child welfare services in Wisconsin, has the responsibility to provide oversight concerning child welfare issues, including complaints and cases of abuse or neglect involving death, serious injury, or egregious incidents, and other cases at the discretion of the DCFS Administrator. This supervisory authority and responsibility may require a formal on-site review, which is a comprehensive examination of program and practice issues. The Division Administrator, in consultation with the Director of the Bureau of Programs and Policies (BPP), will assess the need for a review and the objectives of the review.

The purpose of a review is to implement a team approach to identifying any factors or conditions that may have contributed to or resulted in a child's death, serious injury, or egregious incident and to develop recommendations to improve child welfare policies and practices at the state, county, or other levels. The result of a review will be the cooperative establishment of an action plan to initiate systemic improvements. This will be in the form of a constructive, informative report to be used for enhancing practice and reducing the likelihood of future incidents.

Review teams are authorized by the Department to conduct a thorough review employing, but not limited to, any or all of the following:

- A review of all documents and records related to the case
- Individual interviews with managers, supervisors, staff, and clients of the county department or agency, and other persons as applicable
- A review of policies and procedures of the county department or agency

Criteria for Conducting a Review

The BPP Child Welfare Case Practice Review Specialist (hereinafter referred to as "Specialist") will review all case documentation in eWiSACWIS when the Division receives notification of a child's death, serious injury, or egregious incident.

An onsite review will be conducted in all cases involving the death of a child due to alleged maltreatment when the family is known to Child Protective Services. This includes when a case is currently open with the county department, was closed by the county department within the 12 months prior to the incident becoming known to the county department, or a report of child abuse or neglect was screened out by the county department in the previous 12 months.

A review of the case record will occur in all child maltreatment cases involving an egregious incident or serious injury. After the review of the case record, staff from the

Bureau of Programs and Policies may provide technical assistance to the county department or agency, if requested.

DCFS will use the following criteria in determining if an onsite review is warranted when there has been an egregious incident or serious injury:

1. The Director of the county department requests an onsite review
2. The available case information indicates the county department or agency may not have complied with state statutes, standards, or policies
3. The available case information indicates threats to child safety may not have been adequately assessed and managed

Participants in the Review

Once a decision is made to conduct a review, the BPP Director or designee will assign the Specialist as the review team leader and select the other team members. Decisions regarding the review team members and the objectives, scope, and nature of the review will vary based on each individual case and issues. The family, complainant, county department or other agency, and other involved parties may also provide input concerning the review process and review team members; however, the final decision will rest with the BPP Director. In addition to the Specialist, other team members will include:

Standard Review Team Members:

- Area Administrator/Human Services Area Coordinator
- BPP Child Protective Services Program Specialist
- County peer(s)

Depending upon the nature of the specific case, other team members may include:

Optional Review Team Members:

- Community partners
- OSF Program Evaluation and Audit Section (PEAS)
- Affirmative Action/Civil Rights Compliance
- Office of Legal Counsel (OLC)
- DDES Bureau of Long Term Support, Developmental Disabilities Children's Services Section (required when a developmentally disabled child is involved)
- Division of Public Health Staff
- DCFS licensing specialists
- Ad hoc experts (as appropriate)
- Bureau of Mental Health and Substance Abuse Services (BMHSAS)

Review Process

The BPP Director or designee will provide notice by telephone, followed by written notification, to the county department or agency director once a determination is made to conduct an onsite review. The notification will state the reason(s) for and purpose(s) of the review and offer the county or agency an opportunity to make recommendations regarding the review process. Preparation for the review will begin within seven (7) working days after the decision is made to conduct an onsite review.

In cases where a child has died due to maltreatment or a decision has been made to conduct an onsite review in cases where there has been a serious injury or egregious incident, the process will include an examination of case files and any other documents or records related to the case or complaint. While it is generally necessary to make onsite observations and conduct interviews with staff members, county department and agency managers, and other involved parties as part of the onsite review process, interviews with clients and family members will generally only be conducted if the client is the complainant, or if information from the family is required to help establish relevant facts or information. When appropriate, the review team will rely on the county department or agency records and collateral contacts rather than interview family members.

Once the onsite review team members are selected, the Specialist is responsible for developing a comprehensive review plan and timeline that focuses on the issue(s) at hand, identifying the roles of team members, making the individual team assignments, managing the day-to-day operation of the review, and providing status updates for the BPP Director and Section Manager. The Specialist is also responsible for obtaining and distributing case file materials and other documentation to review team members in preparation for the review. If issues arise beyond the original scope of the review, they will be dealt with separately.

Generally, the onsite review will commence with an entrance meeting with the county department director and other managers and staff as identified by the county director to discuss the review process and the objectives and the scope of the review. This is also an opportunity for the county department or agency staff to ask questions, provide an overview of the situation, discuss applicable county department or agency policies and practices, and discuss other issues related to the onsite review process.

Once the onsite review is completed, the team will have a preliminary discussion of review findings, including the identification of county department or agency strengths and areas needing improvement in order to make preliminary recommendations to the county department or agency that will enhance case practice.

An exit meeting will also be held with county department or agency representatives at the end of the onsite review to discuss general findings and potential recommendations as a result of the review process. The county department or agency will be offered the option of including a written response as part of the final report.

Final Report

A final written report by the review team will be developed to document the review findings, recommendations, and follow-up action. A draft of the report will be approved by the DCFS Administrator and will then be provided to the county department or agency that was a party to the complaint or case, Area Administration staff, and others as identified by the BPP Director. Prior to the release of the final report, Department legal staff may be asked to review the report to assure that it contains only findings that are supported by documented evidence relevant to and within the scope of the review and are consistent with applicable confidentiality requirements. All parties should note that once a draft report is provided to a person outside of the Department, it may become subject to an open records request.

The county will have ten (10) working days to respond to the draft report. Any disagreement over facts will be resolved prior to finalization of the report. A copy of the final report will be distributed to all who reviewed the draft report, the county department or agency director, and, as appropriate, the complainant and others as identified by the BPP Director based on relevancy and subject to confidentiality restraints.

The written report will include, in most cases, the following components:

- *Introduction:* This includes a brief description of the reason(s) for the onsite review and a summary of case information. This section will also: provide information regarding procedures used in conducting the review; reference the relevant standards, laws, and policies applicable to the case; and describe the composition of the review team.
- *Chronology of Events:* This outlines case events or activities from the date or point at which the county department or agency was first involved in the case (or possibly earlier) until the time the Bureau of Programs and Policies received notification of a child death, serious injury, or egregious incident. The chronology will include specific dates and events and may also include related state or local policy or practice issues for each item.
- *Findings:* The report findings will be specific to the CPS case process (i.e., Access, Initial Assessment, and Ongoing Services). The information collected during the onsite review regarding case practice will be measured for compliance with the requirements of state statutes, administrative rules, standards, and policies as well as county department or agency specific policies and practices. In addition, this section may include any conclusions developed by the review team related to best practice that are of direct relevance to the reason for conducting the review. The findings will focus on positive actions that can be taken to improve the child protective services policy and practice.

When two or more county departments or agencies are a part of an onsite review, the report findings will be separate for each county department or agency.

- *Identification of Strengths:* The report will describe relevant county department or agency strengths evident from the review process. This may include the county department's or agency's cooperation with the review, case documentation, efforts to support or assist the family, communication, etc.
- *Requirements and Recommendations:* Requirements will be specific and will directly address areas of noncompliance with applicable state statutes, administrative rules, standards, and state or local policies. The specific relevant citations for requirements will be cited in this section.

The final report may also include recommendations that go beyond compliance with requirements but which are designed to enhance CPS practice.

BPP will work with the county department or agency to provide technical assistance to implement the requirements and, if requested, the recommendations in the report.

- *Conclusion and Implementation of Requirements:* This section will include an overview of the review findings, strengths, areas for improvement, and the plan to address requirements or recommendations.
- *Appendix:* All reports will have an appendix entitled "The Roles of the Counties and State in Wisconsin's Child Protective Services Program." This information is related to the structure of the State's child welfare system and the respective authorities and responsibilities of the various parties.

Other information related to state statutes or CPS Standards and policies will be included in this section of the report, as needed.

The purpose of establishing this protocol is to assure that all such reviews, regardless of when they might occur or who might be involved, are conducted in a uniform manner that is fair to all of the parties involved.